

Serial No. 09/759,430

Docket No. HRT 228

REMARKS

Claims 14-30, and 36-60 are pending. Claims 1-13 and 31-35 are cancelled; claims 14, 15, 30, 45, 50, 55, and 58 are amended; claim 61 is new. No new matter has been added.

The Examiner rejected claims 14-30 and 36-60 under 35 U.S.C. § 102(e) as being anticipated by Gifford (US Patent No. 5,695,504). Applicants respectfully traverse the rejection. The Examiner states that Gifford depicts a plurality of tissue securing elements that go from a biased configuration to an unbiased configuration. Applicants agree that Gifford discloses a number of embodiments that disclose such tissue securing elements. Gifford does not disclose or suggest, however, the claimed inventions as amended. Gifford does not teach the step of

permitting the at least a portion of each of the tissue securing elements to move from the biased configuration to the unbiased configuration, whereat each first end of each tissue securing element contacts the inner surface of the second hollow tissue structure and each second end of each tissue securing element contacts the outer surface of the second hollow tissue structure.

When the tissue securing elements of Gifford are in their unbiased configuration, the first ends contact the inner surface of the second hollow tissue structure, but the second ends do not contact the outer surface of the second hollow tissue structure. Instead, in each of the embodiments disclosed in Gifford where separate tissue securing elements are utilized, the second ends of the tissue securing elements are captured in a flange. See flange 412 of the embodiment depicted in Figures 32A-F; flange 431 of the embodiment depicted in Figures 33-34; flange 448 of the embodiment depicted in Figures 35A-F; flange 463 of the embodiment depicted in Figures 36A-C; flange 472 of the embodiment depicted in Figures 37A-C; flange 534 of the embodiment depicted in Figures 43-45; flange 605 of the embodiment depicted in Figure 46A-D; bushing 638 of the embodiment depicted in Figures 47-50. As a result, the second ends of the separate tissue securing elements of Gifford cannot contact the outer surface of the second hollow tissue structure.

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Each pending independent claim has been amended to add this limitation, and, as such, Applicants submit that the claims are patentable over Gifford. In addition, Applicants note that claim 15 has been amended to broaden the claim from claiming that "the first ends of the tissue securing elements *do not penetrate through the wall* of the second hollow tissue structure" to claiming that "the first ends of the tissue securing elements *do not pierce the inner wall* of the second hollow tissue structure when the tissue securing elements are in the unbiased configuration". New claim 61 depends from 15 to further limit claim 15.

Applicants grant permission to the Commissioner to charge any fee, including the fee associated with the additional dependent claim added by this amendment, that is required during the prosecution of this application.

Applicants submit that the prior art does not teach or suggest the claimed subject matter and request that the Examiner contact the undersigned in the event a discussion about the pending claims would expedite the application process.

Respectfully submitted,

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